

**SB 102 ISSUES**

**Intent:** Promulgate mutual aid between subdivisions of MT and other bordering states in non-declared incidents, emergencies or disasters.

**Basis:** Interstate Mutual Aid Compact codified in 10-3-207

**Concerns:**

- **Is non-declared** correct under the intent of this legislation?
- Contradiction between 10-3-202 line 27 says "Local and interjurisdictional disaster and emergency agencies may assist in negotiation of reciprocal mutual aid agreements between the governor and the adjoining states (including foreign states or provinces) or political subdivisions of adjoining states or may directly negotiate and execute supplemental mutual aid agreements in accordance with 10-3-205 (3). 10-3-205 is the delegation of authority – **WHY IS UNDERSCORED NECESSARY.**
- 10-3-204 allows Governor to enter into compacts that are necessary and are in accordance with 10-3-207 [dated 1985]
  - "10-3-204. Intergovernmental arrangements. (1) This state enacts into law and enters into the interstate mutual aid compact with all states, as defined therein, which states have enacted or shall hereafter enact the compact in the form substantially contained in 10-3-207.
  - (2) The governor may enter into the compact with any state if he finds that joint action with the state is desirable in meeting common intergovernmental problems of emergency and disaster planning, prevention, response, and recovery.
  - (3) Nothing in subsections (1) and (2) may be construed to limit previous or future entry of this state into the interstate mutual aid compact.
  - (4) All interstate mutual aid compacts and other interstate agreements dealing with disaster and emergency services shall be reviewed and made current at intervals not to exceed 4 years.

**DESIGNATED OFFICIALS MAY REQUEST ASSISTANCE – HOWEVER ARTICLE IV STATES THE REQUESTING STATE SHAL REIMBURSE THE AIDING STATE AS SOON AS POSSIBLE – DO THOSE APPOINTED HAVE THE AUTHORITY TO INCUR COSTS ON BEHALF OF THE STATE????**

**10-3-207 Language: COMPACT BECOMES EFFECTIVE AND IS BINDING UPON THE STATES SO ACTING WHEN IT HAS BEEN ENACTED INTO LAW BY ANY TWO STATES AND REMAINS BINDING UNTIL REPEALED BY LAW AND FORMAL WRITTEN NOTICE –EMAC ENACTED INTO LAW ND 1997/MT 1999 10-3-1001/SD 1996 [The purpose of this compact is to provide for mutual assistance between the party states in managing any emergency or disaster that is declared by the governor] – Idaho 46-1018 uses same language as 10-3-207 – 46-1018A EMAC ---- NOT AWARE OF ANY OTHER COMPACTS PUT**

**INTO LAW according to 10-3-207.** Governing bodies of political subdivisions in any state that has entered into an interstate mutual aid compact with the state of Montana. Line 30 and throughout

- **IF EMAC AGREEMENT THE INTENT TO BE USED AS THE FOUNDATION FOR AUTHORITY TO PROMULGATE MUTUAL AID, THEN AUTHORITY SHOULD ONLY BE GRANTED FOR NON-DECLARED INCIDENTS, EMERGENCIES OR DISASTERS IN ORDER THAT WE DO NOT CIRCUMVENT THE INTENT OF EMAC AND THE ESTABLISHED PROTOCOLS AND PROCEDURES ACCEPTED NATIONALLY.**

**SD Language Example - 33-15-35.** Interstate mutual aid arrangements. The director of each local organization for emergency management may, subject to the approval of the Governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted.

- **QUESTION WHETHER AUTHORITY ALREADY EXISTS UNDER 10-3-1102 & approval of Attorney General 10-3-1106.**
  - **10-3-1102.** Purpose. It is the purpose of this part to permit one or more fire protection services, emergency medical care providers, or local government subdivisions of this state to enter into mutual aid agreements, on the basis of mutual advantage, with one or more fire protection services, emergency medical care providers, or local government subdivisions of any other state or the United States in order to facilitate and coordinate efficient, cooperative firefighting efforts directed toward protection of life and property in areas transcending state boundaries that, due to geographic remoteness, population sparsity, and economic or other factors, are in need of such services. History: En. Sec. 2, Ch. 5, L. 1989.
  - **10-3-1106.** Submission of agreement to attorney general. (1) As a condition precedent to an agreement becoming effective under this part, the agreement must be submitted to and receive the approval of the state attorney general.
- **QUESTION FISCAL IMPACT TO DIVISION WITH RESPECT TO ASSISTANCE PROVISIONS IN 10-3-202.**
  - **10-3-202.** Mutual aid -- cooperation. (1) Political subdivisions, fire districts, fire service areas, and fire companies in unincorporated places must be encouraged and assisted by the division to conclude mutual aid arrangements with other public and private agencies within this state for reciprocal aid and assistance in coping with incidents, emergencies, and disasters.

Intent of Legislation was derived from House Joint Resolution 10. The first purpose was to simplify code wherever the word fire existed. The second purpose was to provide a vehicle for local fire or political subdivisions to request assistance from other like entities in bordering states.

**SUGGESTIONS: THERE ARE TWO POSSIBLE OPTIONS THAT WOULD ACCOMPLISH WHAT THE FIRST REPOSE COMMUNITY IS TRYING TO IMPLEMENT.**

**1. AMEND TITLE 10-3-1102**

- a. **10-3-1102.** Purpose. It is the purpose of this part to permit one or more fire protection services, emergency medical care providers, or local government subdivisions of this state to enter into mutual aid agreements, on the basis of mutual advantage, with one or more fire protection services, emergency medical care providers, or local government subdivisions of any other state or the United States in order to facilitate and coordinate efficient, ~~cooperative fire fighting~~ efforts directed toward protection of life and property ~~in areas transcending state boundaries~~ that, due to geographic remoteness, population sparsity, and economic or other factors, are in need of such services.

**2. ADD A NEW CODE SECTION THAT READS AS FOLLOWS:**

Interstate mutual aid arrangements. - Each political subdivision may, subject to the approval of the Governor, enter into mutual aid arrangements with political subdivisions or organizations in other states for reciprocal emergency management aid and assistance in case of non-declared incidents, emergencies or disasters too great to be dealt with unassisted.

- a. **There may need to be language like that found under part 10-3-Part 11 that specifies what needs to be in the agreement.**